

Listing of Claims:

Claim 1 (currently amended): A diorganopolysiloxane/acrylate ester copolymer containing emulsion composition for fabric treatment comprising (A) 100 weight parts of an emulsion containing a copolymer formed from (i) an hydroxyl endblocked diorganopolysiloxane having at least two silicon bonded alkenyl groups in each molecule and (ii) an acrylate ester monomer; (B) 1-100 weight parts of colloidal silica; (C) 0.01-15.0 weight parts of a condensation catalyst; (D) 1-50 weight parts of an inorganic flame retardant, and (E) 0.1-30 weight parts of an organic flame retardant comprising a halogenated hydrocarbon selected from the group consisting of hexabromocyclododecane, chlorinated paraffins, chlorinated polyphenyls, tetrabromobisphenol A, organophosphates, silicone resins, and silicone powders.

Claim 2 (original): A composition according to Claim 1 wherein condensation catalyst (C) is a metal salt of an organic acid selected from the group consisting of dibutyltin dilaurate, dibutyltin diacetate, dibutyltin dioctate, tin laurate, and zinc octanoate; a titanate ester selected from the group consisting of tetrabutyl titanate, tetrapropyl titanate, and dibutoxy titanium bis(ethyl acetoacetate); or an amine compound selected from the group consisting of n-hexylamine and guanidine.

Claim 3 (original): A composition according to Claim 1 wherein inorganic flame retardant (D) is aluminum hydroxide, antimony oxide, chlorophosphonate, or bromophosphonate.

Claim 4 (canceled).

Claim 5 (original): A method of treating fabrics comprising applying to fabrics the composition according to Claim 1.

Claim 6 (original): A method according to Claim 5 in which the composition is applied to the fabrics as a fabric dip.

Claim 7 (original): A method according to Claim 6 in which the fabric is a material used in manufacturing tents or automotive air bags.

Claim 8 (original): A fabric treated in accordance with the method defined in Claim 5.

Section c.) Remarks.

This reply is in response to the Office Action dated March 26, 2004.

The Examiner rejected pending Claims 1-3 and 5-8 under Section 103(a) as being unpatentable over Nakazato (EP 457616) in view of Ona (EP 565093) and the newly cited reference Hornbaker (US 4279808).

Claim 1 has been amended to bring out a feature absent from the references being combined by the Examiner. Thus, none of the references cited by the Examiner disclose the use of a combination of flame retardants, which combination consists of a mixture of an inorganic flame retardant such as antimony oxide or aluminum hydroxide, and an organic flame retardant such as hexabromocyclododecane and other of the particular organic flame retardants now set forth in Claim 1. Tables 1 and 2 show the unexpected good results obtained with compositions containing such flame retardant combinations.

In particular, nothing in Hornbaker suggests a combination of flame retardants as now defined in Claim 1. In addition, it's not seen that one skilled in the art would seek or be motivated to combine Hornbaker with Nakazato and Ona, since Hornbaker is not even remotely related to a diorganopolysiloxane/acrylate ester copolymer containing emulsion composition comprising (A) 100 weight parts of an emulsion containing a copolymer formed from (i) an hydroxyl endblocked diorganopolysiloxane having at least two silicon bonded alkenyl groups in each molecule, and (ii) an acrylate ester monomer.

In view of the above, it is considered that the claims as amended distinguish over the cited references for the reasons stated, and the Examiner is requested to withdraw the rejection and pass the case to issue.

Respectfully submitted,

DOW CORNING CORPORATION



Jim L. De Cesare, Reg. No. 27979
Telephone (989) 496-4235